

**UNITED STATES DISTRICT COURT
DISTRICT OF MASSACHUSETTS**

Robin Breda, *on behalf of herself and all others*
similarly situated,

Plaintiff,

v.

Cellco Partnership d/b/a Verizon Wireless,

Defendant.

Civil Action No.: 1:16-cv-11512-DJC

**UNOPPOSED MOTION TO REVISE/RECONSIDER CASE MANAGEMENT
SCHEDULE**

Pursuant to Federal Rules of Civil Procedure 6(b)(1)(A) and 16(b)(4), Plaintiff respectfully requests the Court to modify the case management schedule entered on October 7, 2020 (Doc. # 171), such that the deadline for Verizon's 30(b)(6) deposition is extended by one week to October 23, 2020; the deadline for Plaintiff's expert disclosures is extended by one week to November 23, 2020; and the deadline for Verizon's expert disclosures is extended by one week to December 23, 2020. Verizon's counsel has reported to Plaintiff's counsel that Verizon does not oppose the relief requested herein, which simply provides Plaintiff with one additional week to take Verizon's deposition and one additional week to submit her expert report, while affording Verizon the same amount of time to respond to that report as set forth in the current schedule recently approved by the Court. In further support hereof, Plaintiff states:

1. On October 7, 2020, the Court entered the following modified case management schedule:

“Plaintiff to determine if she wants to move forward w/Supplemental

discovery responses pursuant to Stipulation paragraph 4 by October 9, 2020. Parties to negotiate search/culling strategies to search "account remarks" pursuant to stipulation paragraph 3 by October 16, 2020. Verizon to produce account remarks as collected pursuant to the parties' negotiated search/culling strategies by November 13, 2020. Plaintiffs to take Verizon's 30(b)(6) deposition by October 16, 2020. Verizon to take Plaintiff's deposition by October 16, 2020. Plaintiffs to provide Expert disclosures by November 16, 2020. Verizon to provide Expert disclosures by December 16, 2020. Completion of expert discovery by January 8, 2021. Deadline for Daubert motions and class certification motion by January 29, 2021. Verizons' opposition to class certification motion by February 26, 2021. Plaintiff's reply brief for class certification motion by March 5, 2021. Daubert motion/class certification motion hearing March 31, 2021 remains in place." Doc. 171.

2. Plaintiff seeks a one week extension of three dates therein: (1) the deadline for Verizon's 30b6 deposition from October 16, 2020 to October 23, 2020; (2) the deadline for Plaintiff's expert disclosure from November 16, 2020 to November 23, 2020; and (3) the deadline for Verizon's expert disclosure from December 16, 2020 to December 23, 2020.

3. The requested extension of these dates will not require alteration of any other deadlines set forth in the case management schedule.

4. There is good cause to grant the requested extensions for several reasons. First, the parties are currently meeting and conferring regarding the scope of Verizon's production of dialer records (from September 15, 2020). The requested extension of the 30(b)(6) deposition deadline will allow the parties to time to resolve those issues prior to the deposition, and will ensure that the parties and necessary witnesses can reach agreement on the deposition date.

5. Second, under the current schedule, Plaintiff's expert disclosure is due just three days after Verizon's production of the "account remarks" data. Plaintiff's expert

will need to undertake a thorough analysis of this data and will need more than three days to conduct that analysis and prepare his expert report.

6. Third, the one week extension of the deadline for Plaintiff's expert disclosure justifies a corresponding one week extension for Defendant's expert disclosure as well.

7. Fourth and finally, Verizon does not object to the requested relief as stated above.

WHEREFORE, the undersigned respectfully requests that the Court grant this Motion and modify the case management schedule such that the deadline for Verizon's 30(b)(6) deposition is extended by one week to October 23, 2020; the deadline for Plaintiff's expert disclosures is extended by one week to November 23, 2020; and the deadline for Verizon's expert disclosures is extended by one week to December 23, 2020.

Dated: October 9, 2020

Respectfully submitted,

By: /s/ Sergei Lemberg
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LOCAL RULE 7.1(A)(2) CERTIFICATION

The undersigned certifies the parties have conferred regarding the foregoing motion in good faith and Verizon does not oppose the relief requested herein.

/s/ Sergei Lemberg
Sergei Lemberg, Esq.

CERTIFICATE OF SERVICE

THIS IS TO CERTIFY that on October 9, 2020, the foregoing was filed via the CM/ECF system for the District of Massachusetts, which sent notice of such filing to the following:

David G. Thomas
Emily H. Bryan
Greenberg Traurig, LLP
One International Place, Suite 2000
Boston, MA 02110

/s/ Sergei Lemberg
Sergei Lemberg, Esq.